

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - June 12, 1968

Appeal No. 9655 Hotel Association of Washington, D.C.,
appellant.

The Director, Department of Licenses and Inspections, appellee.

On motion duly made, seconded and unanimously carried,
the following Order was entered at the meeting of the Board
on September 27, 1968.

EFFECTIVE DATE OF ORDER - October 4, 1968

ORDERED:

That the appeal of the Hotel Association of
Washington, D.C. from the administrative interpretation of
the Director, Department of Licenses and Inspections be
sustained and that the determination of the Director,
Department of Licenses and Inspections be reversed.

FINDINGS OF FACT:

From the record and the evidence adduced at the public
hearing, the Board finds the following facts:

(1) The Hotel Association of Washington, D.C.,
appellant, is an organization of hotels having as one of
its purposes the representation of the member hotels
collectively in legislative and regulatory matters
affecting the hotel industry.

(2) The Sheraton-Park and the Shoreham Hotel have
conducted a hotel business at their respective present
locations for many years, during which time the physical
plant of each hotel has been improved to accommodate large
conventions, organizations and groups. Such facilities
include convention halls, ballrooms and other public areas
where meetings may be conducted by large groups of persons.
The Washington Hilton Hotel was more recently built and
also provides substantial space for use by large conventions
and organizations.

(3) For many years past manufacturers and others
producing or selling products and services having relation
to the business or interest of those attending a specific
convention have been permitted to exhibit their wares and
services during the convention period and within the

convention hotel. Each of the hotels noted above has provided areas for such exhibitions. The exhibitors have, for many years past, taken orders for their goods and services and have made incidental sales of goods exhibited.

(4) The hotels have expended substantial sums of money to add to their physical plants and to promote their use for convention business, all in reliance on the prior administrative interpretation of the Zoning Regulations by the Department of Licenses and Inspections as set forth above in paragraph 3.

(5) This administrative interpretation has been in effect since about June 30, 1936. In 1942 the Zoning Commission adopted regulations designed to clarify the status of hotels and their accessory uses in residential districts, and since then the Department of Licenses and Inspections has consistently ruled that the Zoning Regulations permit incidental sales and order taking by exhibitors of goods and services attendant to a convention.

(6) Hotels are permitted as a matter of right in the residential R-5-B, R-5-C and R-5-D districts. Several of the larger hotels in the District of Columbia, namely, the Sheraton-Park, Washington Hilton and Shoreham, are located in these districts. The ruling appealed from affects only these hotels.

(7) Paragraph 3105.44 of the Zoning Regulations permits commercial uses as adjuncts in hotels containing less than 100 rooms under certain specified conditions. Paragraph 3105.52 permits the same commercial uses as accessory uses in hotels containing more than 100 rooms. Paragraph 3105.53 permits in hotels having more than 100 rooms, any other accessory uses "customarily incidental to the uses permitted in R-5 districts," one such use being hotels.

OPINION:

We believe, and so hold, that a proper interpretation of the Zoning Regulations permits the taking of orders and the making of incidental casual sales by exhibitors who are exhibiting in a hotel in a residential area as part of or appurtenant to a convention or a meeting of an organization or group.

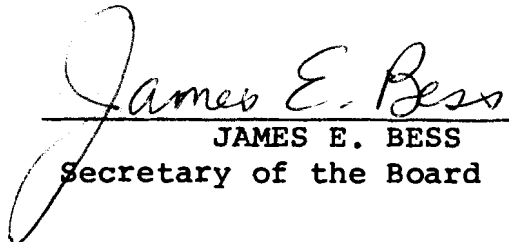
There seems to be no question that a hotel may book conventions, as such conventions are merely the exercise of guests, whether registered or not, of the right to meet for the discussion of matters of common interest. Further, there seems to be no question that others having a relation to the interests of those convening may exhibit their wares and services as an adjunct to the convention and within the hotel. The taking of orders and the making of incidental, casual sales by the exhibitors is, in our opinion, embraced within the broad language of Section 3105.53 of the Zoning Regulations which permits "--accessory uses-- customarily incident to the uses permitted in R-5 districts under the provisions of this Section." Accessory uses contemplated by this Section do not require Board approval under Section 3105.4.

This Order will constitute continuing authority to exhibitors whose exhibitions are incident to a convention or a meeting of an organization or group sited in a hotel in a residential district to take orders and make occasional sales without appealing to this Board of Zoning Adjustment.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:


JAMES E. BESS
Secretary of the Board